

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,

Plaintiff,

v.

CIRCUIT APPEAL, et al.,

Defendants.

1:23-cv-01284-BAM

ORDER REQUIRING PLAINTIFF TO FILE
COMPLETED APPLICATION TO
PROCEED IN FORMA PAUPERIS OR
PAY FILING FEE WITHIN THIRTY
DAYS

Plaintiff William J. Gradford (“Plaintiff”), proceeding *pro se*, filed this civil action on August 29, 2023, along with an application to proceed *in forma pauperis* (“IFP”). (Docs. 1, 2.) However, as there are deficiencies in Plaintiff’s IFP application, the Court will direct Plaintiff to file a new application.

First, Plaintiff checks both “Yes” and “No” in response to item 1 regarding incarceration and wrote “confused.” (Doc. 2 at 1.) Second, in response to item 2 regarding employment, Plaintiff wrote “Sorry don’t know how answer these question Feel like am going to be trapped etc.” (*Id.*) This response does not make clear how much, if anything, Plaintiff earns. Third, in response to item 6 stating “List the persons who are dependent on your for support, state your relationship to each person and indicate how much you contribute to their support,” Plaintiff wrote “I don’t am now confused, now sure whats going simple review May 7, 2019 settlement 2

pg document A Release of All claims and received a \$3,000.00 check for dismissals of cases...”
This response does not answer who, if anyone, is dependent on Plaintiff and how much, if anything, Plaintiff provides for their support. These incomplete responses do not permit the Court to assess Plaintiff’s financial circumstances.

Under 28 U.S.C. § 1915(a)(1), a *pro se* plaintiff may proceed without prepayment of fees by submitting “an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefor.” *See Flores v. California Corr. Women’s Facility*, No. 1:19-cv-1509-NONE-JLT, 2020 WL 8821643, at *1 (E.D. Cal. June 24, 2020) (noting that § 1915(a)(1) applies to non-prisoner plaintiffs). Without knowing Plaintiff’s financial circumstances, the Court cannot conclude that Plaintiff is unable to pay the \$402.00 filing fee for this case. Accordingly, the Court will require Plaintiff to file a revised application containing the completed financial information.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to mail Plaintiff a form IFP application. (Form AO 240);
2. Plaintiff shall complete the form IFP application, accurately, truthfully, and completely answering all questions, and shall file the form by no later than September 27, 2023. Alternatively, Plaintiff may pay the \$402.00 filing fee to proceed with this case;
3. No extension of time will be granted without a showing of good cause; and
4. If Plaintiff fails to comply with this order, the Court will recommend that Plaintiff’s IFP application be denied, and Plaintiff be ordered to pay the \$402.00 filing fee for this action.

IT IS SO ORDERED.

Dated: August 30, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE